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November 30, 2012

Michael G. Goldsmith, Chief
Norfolk Police Department
100 Brooke Avenue
Norfolk, Virginia 23510

RE: Review of Death Investigation
Decedent: Kendrick Scoggins [Date of Death: April 12, 2012]

Dear Chief Goldsmith:

I have reviewed the Norfolk Police Department investigative report into the shooting death of Kendrick Scoggins which occurred at approximately 4:17 p.m. on April 12, 2012 at or near 3300 Herbert Street in the city of Norfolk. At the time of Scoggins' death, the available evidence indicates that Scoggins was armed with a handgun, had initially attempted to rob [REDACTED] and then had fired his [Scoggins'] gun at [REDACTED] wounding [REDACTED] in the arm. [REDACTED] reacted to Scoggins' presentation of a gun and demand for money by pulling his own gun and returned fire, striking Scoggins resulting in Scoggins' death.

Medic 14 responded and pronounced Scoggins dead. A subsequent autopsy revealed that Scoggins sustained one gunshot wound with an entry in the upper chest and a second gunshot wound with entry on the front of the left bicep. The autopsy also revealed the presence of cocaine, metabolites of cocaine and morphine in Scoggins' body at the time of autopsy.

Witness testimony indicated [REDACTED] had just returned home when he was confronted by Scoggins in front of his [REDACTED] residence. [REDACTED] wife heard shots which caused her to look out a window and she saw a man later identified as the decedent, Kendrick Scoggins, running from her yard toward the street where he collapsed. When rescue personnel responded, they found the decedent, Kendrick Scoggins, with a bullet wound to his chest and a 9 mm Luger pistol [serial number obliterated] located under his body.

[REDACTED] wife ran out into their yard and found her husband, [REDACTED], who yelled to "call 911" and that the man [Scoggins] "tried to rob him". The investigative file reflects that several witnesses confirmed that the decedent, Kendrick Scoggins, had initially approached and confronted [REDACTED]. A woman who was parking her car observed a SUV drive down Elmhurst Avenue and a black male jump out of the passenger side and run down Herbert Street. This witness told the police that the black man who got out of the SUV starting shooting at [REDACTED] who returned gunfire.

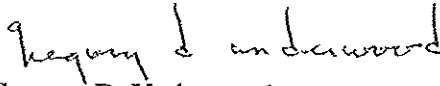
Another witness, a nurse who was driving by, stopped her SUV to render first aid and later reported to the police that the man [REDACTED] was saying when she arrived, "I can't believe he came in my yard and ****ing shot me." Finally, a homeowner who was outside described hearing three to four gunshots with the first gunshot sounding different than the last two to three gunshots. This witness and a friend observed the end of the exchange of gunfire which consisted of [REDACTED] shooting at Scoggins who appeared to be shooting at [REDACTED] as he [Scoggins] moved away.

The investigative report indicates that [REDACTED] had left work and stopped at a bank on Princess Anne Road and withdrawn several thousand dollars to pay a subcontractor working on his [REDACTED] home. The police later confirmed that a home contractor had planned on meeting [REDACTED] at 4:30 p.m. on April 12, 2012 to be paid for a home repair project.

[REDACTED] told the police he had pulled his truck into his driveway and walked around the rear of his truck when he encountered the man later identified as the decedent, Kendrick Scoggins, who had a gun out pointed at him [REDACTED]. Scoggins then said "Give me all of your ****ing money". When Scoggins pulled out a gun and pointed it at [REDACTED], [REDACTED] said he pulled out his lawfully purchased handgun and fired at the man [Scoggins]. [REDACTED] told the police that Scoggins had fired at him [REDACTED] and wounded [REDACTED] in the arm. [REDACTED] subsequently was taken to Sentara Norfolk General Hospital where he received treatment for a gunshot to his arm.

Based upon my review of the witness statements and the investigation report, the available evidence at this time would indicate that the decedent, Kendrick Scoggins, first initiated the use of a handgun at or near 3300 Herbert Street on April 12, 2012 when he [Scoggins] attempted to rob [REDACTED] at gunpoint. The available evidence further confirms that [REDACTED] pulled out a gun at a time he would have had a right of self-defense. Given all the facts and evidence available at this time, there is insufficient evidence to warrant the initiation of any charges against [REDACTED] for the death of Kendrick Scoggins at this time.

Sincerely,


Gregory D. Underwood
Commonwealth's Attorney